

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 5/24/2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WELLINGTON BRIONES and LUIS JULIAN RAYON,
individually and on behalf of others similarly situated,

Plaintiffs,

-against-

STARJEM RESTAURANT CORP (d/b/a FRESCO BY
SCOTTO), MARION SCOTTO, and ANTHONY
SCOTTO,

Defendants.

Civil Action No. 15-cv-4646
(GHW)(KNF)
ECF Case

**STIPULATION AND
ORDER OF DISMISSAL**


IT IS HERBY STIPULATED AND AGREED by the parties in the above captioned matter, through their undersigned counsel, and hereby ORDERED by the Court's signature below, that:

Pursuant to the Fairness Hearing held on May 6, 2016, the Settlement Agreement and General Release entered into by the parties (Docket Entry No. 32-1) is hereby approved by the Court, as modified with respect to Plaintiffs' counsel's requested attorneys' fees as set forth on the record, and is determined to be a fair and reasonable settlement of a bona fide dispute under, *inter alia*, the Fair Labor Standards Act in accordance with *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015) and *Wolinsky v. Scholastic Inc.*, 900 F. Supp. 2d 332 (S.D.N.Y. 2012).

Plaintiffs' Complaint and all of Plaintiffs' claims asserted in this action are hereby dismissed immediately, without prejudice and without costs to either party, subject to restoration of the action to the active calendar of the Court by letter application of Plaintiffs within one hundred and twenty (120) days of the date the Court signs this stipulation and order.

If this matter is not restored within one hundred and twenty (120) days of the Court's signature of this stipulation and order, then Plaintiffs' Complaint and all of Plaintiffs' claims asserted in this action shall be deemed dismissed with prejudiced and without costs to either party.


MICHAEL FAILLACE & ASSOCIATES, P.C.
Attorneys for Plaintiffs
60 East 42nd Street, Suite 2540
New York, New York 10165
(212) 317-1200

By: 
Michael A. Faillace, Esq.
Joshua Androphy, Esq.
5/17/16

SO ORDERED:


HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE *gk*

FOX ROTHSCHILD LLP
Attorneys for Defendants
100 Park Avenue, Suite 1500
New York, NY 10017
(212) 878-7900

By: 
Carolyn D. Richmond, Esq.
Alexander W. Leonard, Esq.
5/19/16

DATED: New York, New York
May 24, 2016